

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANNE L. STEWART, on behalf of herself and all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
GINO'S EAST RESTAURANT CORP., et al.,	)	
	)	
Defendants.	)	Case No. 07 CV 6340
	)	
BG EAST LLC,	)	Judge Coar
	)	
Defendant/Third-Party Plaintiff,	)	Magistrate Judge Cole
	)	
v.	)	
	)	
DATA WAVE, INC.	)	
	)	
Third-Party Defendant.	)	

**THIRD PARTY DEFENDANT'S MOTION FOR EXTENSION  
OF TIME TO ANSWER THIRD PARTY COMPLAINT**

Third-Party Defendant, Data Wave Inc. ("Data Wave"), by and through its attorney, Charles J. Corrigan of Dommermuth, Brestal, Cobine, and West Ltd., hereby files this Motion for an Extension of Time to Answer or otherwise plead in response to Third-Party Plaintiff BG EAST LLC'S Third Party Complaint, and in support thereof, states as follows:

1. Third-Party Plaintiff filed its Third-Party Complaint with this Court on March 17, 2008. Third-Party Defendant was served with the Third-Party Complaint on or about March 20, 2008, and pursuant to the summons, the answer or responsive pleading is to be due on or about April 9, 2008.

2. The day following service of the summons, March 21, 2008, was Good Friday, which commenced the Passover and Easter weekend.

3. As a result, Third-Party Defendant was unable to review the Third-Party Complaint until March 24, 2008.

4. On April 7, 2008 Third-Party Defendant retained the law firm of Dommermuth, Brestal, Cobine and West, Ltd., to represent it in this matter.

5. Third Party Defendant's counsel requires an additional twenty-eight (28) days to gather the necessary information to properly file an answer or responsive pleading.

6. On April 7, 2007, Third-Party Defendant's counsel spoke to Third-Party Plaintiff's counsel on the telephone and asked if there was any objection to the requested extension. Third-Party Plaintiff's counsel had no objection to Third-Party Defendant's request for a twenty-eight (28) day extension of time to answer or otherwise plead.

**Conclusion**

WHEREFORE, Third-Party Defendant Data Wave respectfully requests that this Court grant it an additional twenty-eight (28) days to answer or otherwise plead to Third-Party Plaintiff's Complaint.

Dated: April 9, 2008

Respectfully Submitted,  
Data Wave, Inc.

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By: s/ Charles J. Corrigan  
One of its attorneys

Charles J. Corrigan  
ARDC #6196402  
Dommermuth, Brestal, Cobine and West, Ltd.  
123 Water Street  
Naperville, Illinois 60540  
Ph: 630-355-5800  
Fax: 630-355-5976  
Email: cjc1@dbcw.com